

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

MAR 16 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte CALVIN B. WARD

Application No. 09/655,987

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 25, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that on August 25, 2005, appellant filed an Appeal Brief under the new rules set forth in § 41.37(c). A review of the file reveals that the Appeal Brief does not contain all the required headings, namely, "Summary of Claimed Subject Matter," "Evidence Appendix," and "Related Proceedings Appendix."

It is required that appellant submit a substitute Appeal Brief that is in compliance with 37 CFR § 41.37(c).

Accordingly, it is

ORDERED that the application is returned to the examiner to:

(1) hold the Appeal Brief filed on August 25, 2005 defective;

(2) notify appellant to file a substitute Appeal Brief in compliance with 37 CFR § 41.37;

(3) to consider appellant's substitute Appeal Brief and, if necessary, to vacate the Examiner's Answer mailed on November 3, 2005 to respond to appellant's Substitute Appeal Brief, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
DALE M. SHAW  
Program and Resource Administrator  
(571) 272-9797

cc: Law Offices of Calvin B. Ward  
18 Crow Canyon Court, Suite 305  
San Ramon, CA 94583

DMS/clm